



1634  
Image

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

SMITH et al.

Atty. Ref.: 2551-49; Confirmation No. 3620

Appl. No. 09/662,462

Group: 1634

Filed: September 15, 2000

Examiner: Goldberg

For: NUCLEIC ACID PROBES AND METHODS FOR DETECTING CLINICALLY  
IMPORTANT FUNGAL PATHOGENS

\* \* \* \* \*

December 3, 2003

**OFFICE OF PUBLICATIONS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**REQUEST**

The Examiner is requested to return a completely initialed copy of the attached PTO-1449 Form, which was executed by the Examiner on April 2, 2001, and includes the OIPE date-stamp of February 1, 2001. Specifically, the PTO-1449 Form was returned without the Examiner's initials on the left-hand column next to the following citations: WO 98 11257 A, WO 99 06596 A, WO 96 21741 A, WO 98 50584 A, and WO 95 29260 A.

These documents were believed to be submitted with the PTO-1449 Form. The Examiner has not lined-through these references and it is believed that the lack of the Examiner's initials on the PTO-1449 Form was merely an oversight. For completeness however the Examiner is requested to return a completely initialed PTO-1449 Form as

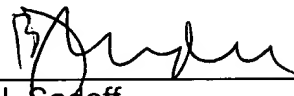
SMITH et al.  
Appl. No. 09/662,462  
December 3, 2003

confirmation that these references have been considered and so that the same may be printed on the face of the patent issuing from this application. The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff  
Reg. No. 36,663

BJS:plb  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

**INFORMATION DISCLOSURE  
CITATION**

ATTY. DOCKET NO.

2551-49

APPLICANT

SMITH et al.

FILING DATE

September 15, 2000

SERIAL NO.

09/662,462

GROUP

1645/655

Copy

(Use several sheets if necessary)

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
gs	5,426,027	6/1995	Lott et al	435	6	

**FOREIGN PATENT DOCUMENTS**

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
WO 98 11257 A	3/1998	WO			
WO 99 06596 A	2/1999	WO			
WO 96 21741 A	7/1996	WO			
WO 98 50584 A	11/1998	WO			
WO 95 29260 A	11/1995	WO			

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

gs	Fujita et al, "Microtitratin Plate Enzyme Immunoassay to Detect ...", Journal of Clinical Microbiology, U.S., Washington, D.C., Vol. 33, No. 4, 1 April 1995, pp. 962-967, XPO02053345.
	Elie et al, "Rapid identification of Candida species with species-specific DNA probes", Journal of Clinical Microbiology, U.S., Washington, D.C., Vol. 36, No. 11, 1 Nov. 1998, pp. 3260-3265; XP002086007.
	Shin et al, "Rapid identification of up to three Candida species in a single ...", Journal of Clinical Microbiology, Vol. 37, No. 1, 1999, pp. 165-170, XP00874684.
	Botelho and Planta, "Specific Identification of Candida albicans by hybridization ...", YEAST, Vol. 10, 1994, pp. 709-717, XP000874680.
	White et al, "Amplification and Direct Sequencing of Fungal Ribosomal ...", U.S. San Diego, Academic Press, 1989, pp. 315-322, XP002017490.
	Database Genbank [Online] Accession number (AC): Y14001, 1997 Zakikhani S and Kappe R: "Internal transcribed spaces (ITS1) of the ribosomal cluster of Candida albicans", XP002130403.
	Nho et al, "Species differentiation by internally transcribed spacer PCR ...", Journal of Clinical Microbiology, U.S., Washington, D.C., Vol. 35, No. 4, 1 April, 1997 pp. 1036-1039, XP002086004.
	Database Genbank [Online] Accession number (AC): Y14002, 1997 Zakikhani S and Kappe R: "Internal transcribed spacers (ITS1) of the ribosomal cluster of Candida albicans", XP002153730.
	Loffler et al, "Comparison of different methods for extraction of DNA of fungal pathogens ...", Journal of Clinical Microbiology, Vol. 35, No. 12, 1997, pp. 3311-3312, XP000961790.
	Jordan, "PCR identification of four medically important Candida ...", Journal of Clinical Microbiology, Vol. 32, No. 12, 1994, pp. 2962-2967, XP000961788.
	Irobi et al, "Mol. Cell. Probes", 1999; 14:401-406.
	Lu et al, 1995; 33:2973-2977
	Einsele et al, JCM, 1997; 35:1353-1360.
	Sugita et al, JCM, 1999; 37:1985-1993.
	Makimura et al, JCM, 1999, 37:920-924.
	Jackson et al, JCM, 1999; 37:931-936.
	Turenne et al, JCM, 1999; 37:1846-1851.
	Jiang et al, JCM, 2000; 38:241-245.
	Henry et al, JCM, 2000; 38:1510-1515.
	Gupta et al, JCM, 2000; 38:1869-1875.
	Tintelnot et al, JCM, 2000; 38:1599-1608.
	Posteraro et al, JCM, 2000; 38:1609-1614.

Examiner	g. Goldberg	Date Considered	4/2/01
----------	-------------	-----------------	--------

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

ATTY. DOCKET NO.

**SERIAL NO.**

**09/662,462**

~~RECEIVED~~

~~APR - 42~~

TECH CENTER 1600/2900

Copy

**APPLICANT**

SMITH et al.

FILING DATE

**September 15, 2000**

**GROUP**

1655

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

							TRANSLATION	
DOCUMENT		DATE	COUNTRY	CLASS	SUBCLASS	YES	NO	
94 ↓	0 894 870 A2	2/1999	EP	←	—	Abst.		
	WO 93/23568	11/1993	PCT	←	—			
	WO 97/36003	10/1997	PCT	←	—	Abst.		
	0 642 588 A1	11/1993	EP	←	—	Abst.		

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent pages, etc.)

*Examiner		Date Considered	

**\*Examiner**

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO